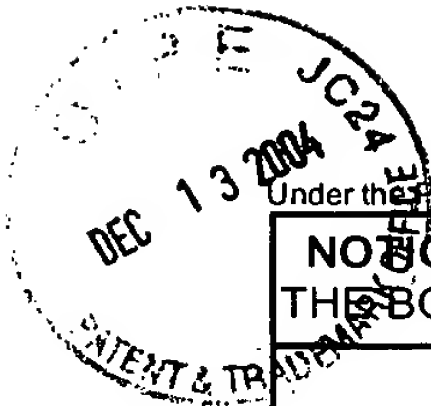


DEC 14 2004

AF *[initials]*

PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) PBLI-P01-007	
In re Application of Sidney Pestka			
Application Number 09/872349		Filed May 31, 2001	
For PHOSPHORYLATED PROTEINS AND USES RELATED THERETO			
Art Unit 1642		Examiner Helms, Larry Ronald	

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-1945. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 45,923

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

 Spencer H. Schneider
 Typed or printed name

(212) 497-3615

Telephone number

December 13, 2004

Date

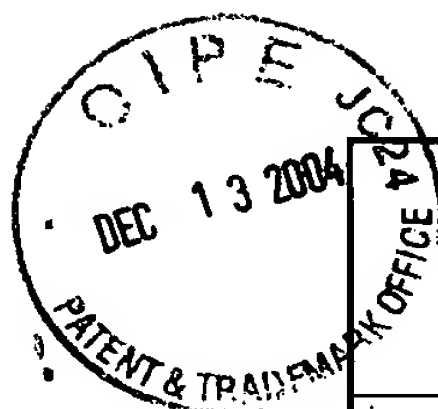
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ED181234672US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 13, 2004

Signature: *Andrea Silverman* (Andrea Silverman)



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PTO/SB/17 (10-04v2)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2005 <small>Effective 10/01/2004. Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/872349
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	May 31, 2001
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	Sidney Pestka
		Examiner Name	L. R. Helms
250.00		Art Unit	1642
		Attorney Docket No.	PBLI-P01-007
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES	
<input checked="" type="checkbox"/> Deposit Account:		Large Entity Small Entity	
Deposit Account Number 18-1945		Fee Code Fee (\$)	
Deposit Account Name Ropes & Gray LLP		Fee Description Fee Paid	
The Director is authorized to: (check all that apply)		1051 130 2051 65 Surcharge - late filing fee or oath	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments		1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet.	
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)		1053 130 1053 130 Non-English specification	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1812 2,520 1812 2,520 For filing a request for ex parte reexamination	
FEE CALCULATION		1804 920* 1804 920* Requesting publication of SIR prior to Examiner action	
1. BASIC FILING FEE		1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action	
Large Entity Small Entity		1251 110 2251 55 Extension for reply within first month	
Fee Code Fee (\$)	Fee Code Fee (\$)	1252 430 2252 215 Extension for reply within second month	
1001 790 2001 395	Utility filing fee	1253 980 2253 490 Extension for reply within third month	
1002 350 2002 175	Design filing fee	1254 1,530 2254 765 Extension for reply within fourth month	
1003 550 2003 275	Plant filing fee	1255 2,080 2255 1,040 Extension for reply within fifth month	
1004 790 2004 395	Reissue filing fee	1401 500 2401 250 Notice of Appeal	
1005 160 2005 80	Provisional filing fee	1402 340 2402 170 Filing a brief in support of an appeal	
SUBTOTAL (1) (\$)		1403 300 2403 150 Request for oral hearing	
0.00		1451 1,510 1451 1,510 Petition to institute a public use proceeding	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		1452 110 2452 55 Petition to revive - unavoidable	
Total Claims -20** =		1453 1,370 2453 685 Petition to revive - unintentional	
Independent Claims -3** =		1501 1,370 2501 685 Utility issue fee (or reissue)	
Multiple Dependent		1502 490 2502 245 Design issue fee	
Large Entity Small Entity		1503 660 2503 330 Plant issue fee	
Fee Code Fee (\$)	Fee Code Fee (\$)	1460 130 1460 130 Petitions to the Commissioner	
1202 18 2202 9	Claims in excess of 20	1807 50 1807 50 Processing fee under 37 CFR 1.17(q)	
1201 88 2201 44	Independent claims in excess of 3	1806 180 1806 180 Submission of Information Disclosure Stmt	
1203 300 2203 150	Multiple dependent claim, if not paid	8021 40 8021 40 Recording each patent assignment per property (times number of properties)	
1204 88 2204 44	** Reissue independent claims over original patent	1809 790 2809 395 Filing a submission after final rejection (37 CFR 1.129(a))	
1205 18 2205 9	** Reissue claims in excess of 20 and over original patent	1810 790 2810 395 For each additional invention to be examined (37CFR 1.129(b))	
SUBTOTAL (2) (\$)		1801 790 2801 395 Request for Continued Examination (RCE)	
0.00		1802 900 1802 900 Request for expedited examination of a design application	
**or number previously paid, if greater, For Reissues, see above		Other fee (specify)	
		*Reduced by Basic Filing Fee Paid	
		SUBTOTAL (3) (\$)	
		250.00	
SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Spencer H. Schneider	Registration No. (Attorney/Agent)	45,923
Signature		Telephone	(212) 497-3615
		Date	December 13, 2004

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Dated: December 13, 2004

Signature: (Andrea Silverman)